Remarks

Prior to this communication, claims 23 – 38 are pending. Claims 23 – 38 were rejected. By this amendment, claims 23, 24, 31, 32, 34, and 36 have been amended; claims 25 and 33 have been canceled; and claims 39 – 42 have been added. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §103 Rejections

Claims 23 – 38 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,776,711 ("Baerlocher") in view of U.S. Patent No. 6,331,143 ("Yoseloff").

As indicated on page 4 of the Action, Baerlocher "does not appear to teach selecting an outcome and awarding the player credits…" Therefore, claims 23 and 31 are allowable in view of Baerlocher.

Independent claims 23 and 31 have been amended to clarify that the award set is assigned to a button, and that the award set assigned to the button is selected by a controller in response to a manual selection of the button.

Particularly, claim 23 is directed to a "method for use with a gaming machine having manually operable selectors," the method includes, among other things, "generating a plurality of award sets," "designating one of said award sets to one of said selectors," and "selecting said one award set in response to operation of said one selector."

Claim 31 is directed to a "gaming machine comprising an electronic game controller comprising a program, a player interface having selectors operable by a player," "the program causes the electronic game controller to," among other things, "maintain a plurality of award sets," and "select said one award set corresponding to said one selector responsive to operation of said one selector."

Baerlocher does not anticipate claims 23 and 31.

Rather, Baerlocher specifically indicates that the award sets are randomly assigned to selected pick areas. For example, Baerlocher discloses that "[after] the player chooses one of the pick buttons 60 or 62, the game randomly assigns one of the award sets of the current level, e.g. award sets 56a and 58a for level 1, to the pick area, button or indicator 62." (Col. 9, lines 14 – 18.)

Therefore, Baerlocher does not anticipate, among other things, "[a] method for use with a gaming machine having manually operable selectors," the method includes, among other things, "generating a plurality of award sets," "designating one of said award sets to one of said selectors," and "selecting said one award set in response to operation of said one selector," as recited in claim 23, and "[a] gaming machine comprising an electronic game controller comprising a program, a player interface having selectors operable by a player," "the program causes the electronic game controller to," among other things, "maintain a plurality of award sets," and "select said one award set corresponding to said one selector responsive to operation of said one selector," as recited in claim 31.

Yoseloff does not cure the deficiencies of Baerlocher.

Particularly, Yoseloff discloses that the prize or game credit awarded is not based on the symbols in a winning outcome. That is, while a combination of symbols may win an award, the award is not based on the value of the symbols. For example, Yoseloff discloses that "[the] payout amounts for the basic numbers game are based solely on the probability of occurrence of each winning outcome without consideration for … any other occurrence of a similar winning outcome." (Col. 4, lines 56 – 60.)

Similarly, Yoseloff discloses that a jackpot is set prior to a selection of a subset of symbols. That is, an award is set up prior to a game play, and therefore, is not based on values of the symbols. For example, Yoseloff discloses that "[the] player places a wager 13 to participate in the game. The player then selects [in step] 15 a subset of x symbols to play. Either the player identifies the symbols, or the player allows the MPU 20 to randomly 'pick' the numbers [of lines] for the player." (Col. 5, lines 30 – 34.)

Therefore, Yoseloff does not teach or suggest, "when the selected outcome is a said positive value integer, awarding game play credits, wherein the game play credits have a value that is equal to the positive value of the integer," as recited in claim 23, and "when the selected outcome is a said positive value integer, award game play credits, wherein the game play credits have a value that is equal to the positive value of the integer selected from said selected award set," as recited in claim 31.

Furthermore, as discussed earlier, the award sets are not based on the symbols selected as disclosed in Yoseloff. Therefore, Yoseloff does not cure the deficiencies of Baerlocher at least with respect to "[a] method for use with a gaming machine having manually operable selectors," the method includes, among other things, "generating a plurality of award sets," "designating one of said award sets to one of said selectors," and "selecting said one award set in response to operation of said one selector," as recited in claim 23, and "[a] gaming machine comprising an electronic game controller comprising a program, a player interface having selectors operable by a player," "the program causes the electronic game controller to," among other things, "maintain a plurality of award sets," and "select said one award set corresponding to said one selector responsive to operation of said one selector," as recited in claim 31.

Accordingly, neither Baerlocher nor Yoseloff, either alone or in combination, teaches or suggests claims 23 and 31. Claims 23 and 31 are therefore allowable for at least the reasons set forth above.

Claims 24 and 26 – 30 dependent from claim 23; and, claims 32 and 34 – 38 are dependent from claim 31. Therefore, claims 24, 26 – 30, 32, and 34 – 38 are also allowable for at least the reasons set forth above.

Newly Added Claims

Claims 39 – 42 have been added.

Claim 39 is an independent claim, which is directed to "[a] method for use with a gaming machine," that includes, among other things, "determining a plurality of award sets, each of said

award sets having a number of said outcomes, and an average based on said outcomes of said award set, and said number of said outcomes, said number of said outcomes in any one award set being different from said number of said outcomes in any other award set, and said average of any one award set equaling said average of any other of said award sets," and "paying an award when said selected outcome has a positive value, said award having a value equaling a positive value of said outcome."

Applicants respectfully submit that neither Baerlocher nor Yoseloff, either alone or in combination, teaches or suggests claim 39.

Rather, Baerlocher discloses award sets having different averages. For example, Baerlocher discloses that "[the] awards 56 and 58 can have varying average values." (Col. 7, lines 65 – 66.) Baerlocher, in fact, discloses that the averages increase as the levels of play increase. For example, Baerlocher discloses that "[the] averages of the awards continue to increase as levels advance." (Col. 8, lines 6 – 7.) That is, Baerlocher teaches away from having the same average among the award sets.

Therefore, Baerlocher does not teach or suggest, among other things, "[a] method for use with a gaming machine," that includes, among other things, "determining a plurality of award sets, each of said award sets having a number of said outcomes, and an average based on said outcomes of said award set, and said number of said outcomes, said number of said outcomes in any one award set being different from said number of said outcomes in any other award set, and said average of any one award set equaling said average of any other of said award sets," and "paying an award when said selected outcome has a positive value, said award having a value equaling a positive value of said outcome," as recited in claim 39.

Therefore, claim 39 and dependent claims 40 – 42 are allowable for at least the reasons set forth above.

Yoseloff does not cure the deficiencies of Baerlocher.

Rather, Yoseloff discloses that the prize or game credit awarded is not based on the symbols in a winning outcome. That is, while a combination of symbols may win an award, the award is not based on the value of the symbols. For example, Yoseloff discloses that "[the]

payout amounts for the basic numbers game are based solely on the probability of occurrence of each winning outcome without consideration for … any other occurrence of a similar winning outcome." (Col. 4, lines 56 – 60.)

Similarly, Yoseloff discloses that a jackpot is set prior to a selection of a subset of symbols. That is, an award is set up prior to a game play, and therefore, is not based on values of the symbols. For example, Yoseloff discloses that "[the] player places a wager 13 to participate in the game. The player then selects [in step] 15 a subset of x symbols to play. Either the player identifies the symbols, or the player allows the MPU 20 to randomly 'pick' the numbers [of lines] for the player." (Col. 5, lines 30 – 34.)

Therefore, Yoseloff does not teach or suggest, "paying an award when said selected outcome has a positive value, said award having a value equaling a positive value of said outcome," as recited in claim 39.

Furthermore, Yoseloff discloses that the averages of the lines do not remain the same. As shown in FIG. 4 of Yoseloff, lotto line 34 has an average of 15.6, lotto line 36 has an average of 17.8, and lotto line 38 has an average of 16.8.

Accordingly, neither Baerlocher nor Yoseloff, either alone or in combination, teaches or suggests claim 39. Claim 39 and dependent claims 40 – 42 are allowable for at least the reasons set forth above.

No new matter has been added.

Conclusion

Applicant respectfully submits that all of claims 23, 24, 26 – 32, and 34 – 42 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

Dated: April 21, 2009   /Larry M. Jarvis/
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